

**230 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.18478 of 2017 (O&M)
Date of decision : 17.01.2023**

Amarjit Kaur

..... Petitioner

versus

The Educational Tribunal, Punjab & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Rahul Sharma-I, Advocate for the petitioner.

Mr. Sameer Sachdeva, Advocate
for the respondents.

PANKAJ JAIN, J. (ORAL)

Petitioner has filed present writ petition seeking writ in the nature of Certiorari quashing the impugned order dated 27.10.2016 (Annexure P-17) whereby petitioner is stated to have been denied consequential benefits on setting aside the order dated 15.11.2013 (Annexure P-16).

Services of the petitioner were ordered to be terminated vide order dated 15.11.2013. The said order was passed without holding an inquiry. The petitioner impugned the same before the Educational Tribunal Punjab, SAS Nagar Mohali by way of Petition No.77 of 2013 which was decided vide order dated 27.10.2016. It is this order which is under challenge in the present writ petition. Operative part thereof reads as under :-

“4. We have heard counsel for the parties and taking into consideration, contents of the affidavit filed by Shri Yogi Seth, Vice President of the respondent- college, deposing therein that the college is ready to hold an independent inquiry, allow the petition, set aside order

dated 15.11.2013 and direct the respondent-college to hold an enquiry after serving a charge sheet and follow the procedure for a regular enquiry. The enquiry shall be completed within two months of the receipt of certified copy of this order. In case, the petitioner is exonerated, she shall be reinstated with all back wages and consequential benefits. As agreed, the petitioner shall not be reinstated during the pendency of the enquiry. No order as to costs.”

Counsel for the petitioner submits that subsequent to passing of the said order the respondent-Management conducted inquiry which has again resulted in the order of termination dated 27.04.2017. The issue with respect to the legality of the same and the inquiry proceedings is pending consideration again before the Tribunal in petition No.47 of 2017.

Mr. Sameer Sachdeva, Advocate for the respondents points out that the order dated 27.10.2016 was a consent order and thus the petitioner cannot be allowed to turn around in the present writ petition and contend that she is entitled for back wages and other consequential benefits.

I have heard learned counsel for the parties and have gone through the records of the case.

In the considered opinion of this Court, the issue with respect to the termination of the petitioner is still pending though in the second round of litigation before the Educational Tribunal. The Tribunal has already ordered that in case the petitioner is exonerated, she shall be reinstated with all back wages and consequential benefits. I find no reason as to why the same relief will not be admissible to the petitioner in the second round of litigation. Resultantly, in case the petitioner is exonerated and the punishment awarded to her is found to be un-sustainable the natural consequences will follow and the petitioner will definitely be entitled for all consequential benefits. So far as the relief claimed in the present

petition is concerned, the same cannot be granted in view of the fact that the order dated 27.10.2016 was passed with the consent of the parties.

Petition stands disposed off accordingly.

(PANKAJ JAIN)
JUDGE

17.01.2023
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No